



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,801	12/31/2001	Tetsuhiko Awaji	1341.1116	7344

21171 7590 09/29/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

WILLETT, STEPHAN F

ART UNIT PAPER NUMBER

2142

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,801

Applicant(s)

AWAJI, TETSUHIKO

Examiner

Stephan F. Willett

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 19, 20, 23, 26, 29, 32 and 35-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 19, 20, 23, 26, 29, 32 and 35-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 35, 43-44 are objected to as being dependent upon a objected/rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15, 19-20, 23, 26, 29, 32, 36-39, 41, 45, 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Deering with Patent Number 6,313,838.

1. Regarding claim(s) 15, 29, 36, 38, 41, 45, 47, Deering teaches monitoring rendering calculations. Deering teaches storing information on the rendering calculation processing of a rendering file that is preformed with varying a plurality of parameters, col. 21, lines 19-21, the information including influencing characteristics that each parameter gives influence to the job on a processing transition of a processing example that is desirable for the user, col. 19, lines 31-38. Deering teaches obtaining influencing characteristics or variables that each parameter gives influence to the job on a processing transition of current rendering processing, col. 20, lines 57-

Art Unit: 2142

60. Deering teaches comparing or matching the thus obtained influencing characteristics on the processing transition with the influence characteristics on the processing transition of the processing example for each parameter, col. 25, lines 29-30. Deering teaches deciding whether the job is a processing suitable for the user during execution of the job processing based on a predetermined rule, col. 25, lines 30-33. Deering teaches notifying the user that the job is not a suitable processing, when the job is decided not to be processing suitable for the user as resulting in a number of approaches such as not matching characteristics, col. 26, lines 18-40. Deering teaches wherein when the job has been decided as not suitable, a difference in the influencing characteristics of each parameter between the current rendering processing and the processing example is determined, and a parameter set with a greatest difference in value of the influencing characteristics is specified as a candidate or cause parameter for correcting a set value and set by the user, col. 25, lines 33-52.

2. Regarding claim(s) 19, 39, Deering teaches influencing characteristics include an average processing time for processing a predetermined number of frames for each parameters, col. 21, line 21, and an increase or decrease in the processing time of each frame with respect to a processing time of a frame immediately preceding the frame for each parameters, col. 26, lines 36-41.

3. Regarding claim(s) 20, 23, 37, Deering teaches the user specifying a past processing sample as using "log plots", col. 24, lines 66-67 and comparing a job with a reference case based on other cases as using functions based on a plurality of previously stored cases, col. 25, lines 6-10.

Art Unit: 2142

4. Regarding claim(s) 26, 32, Deering teaches a notification unit that notifies a user of the various specifics candidate parameters, col. 27, lines 24-31.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 40, 42, 44, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deering with Patent Number 6,313,838.
2. Regarding claim 40, 42, 44, 46, the Deering patent discloses the method of the preceding claims. The Deering patent discloses the output includes indicating the first characteristics do not match with the second characteristics, col. 20, lines 31-34, or indicates the first characteristic will match with the second characteristics if the cause parameter is set to the value, col. 20, lines 48-54. The Deering patent does not explicitly disclose the above output includes sending an electronic message to a registered address. However, Official Notice is taken MPEP 2144.03 (a)) that electronic message notification to a processor address of processing data necessary to further process the data is well known in the art to insure a complete calculation. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to output an electronic message to a registered address to obtain the advantages of automated data processing. By the above rational, the claim is rejected.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP, 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

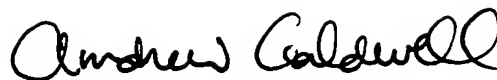
Application/Control Number: 10/029,801

Page 6

Art Unit: 2142

sfw

September 26, 2005

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" and last name "Caldwell" clearly distinguishable.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER